

REMARKS

The present application was filed on April 27, 2001 with claims 1-28. Claims 1-28 are currently pending in the application. Claims 1, 15, 27 and 28 are the independent claims.

In the Office Action, claims 1-6, 8-12, 14-20 and 22-28 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,527,638 (hereinafter “Walker”). In addition, claims 7, 13 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,018,196 (hereinafter “Takaragi”).

Applicants respectfully traverse the §102(e) and §103(a) rejections and request that the pending claims be reconsidered in light of the following remarks.

In response to the prior Office Action, dated December 6, 2005, Applicants amended without prejudice independent claims 1, 15, 27 and 28 to include limitations similar to those found in dependent claims 11 and 12. These amendments have been entered. Current Office Action, p. 2. Independent claim 1 now sets forth:

A method for performing secure information processing operations utilizing a plurality of processing devices, the method comprising the steps of:

performing a setup procedure to permit interactions of a designated type to be carried out between a first participant associated with at least a first one of the processing devices and a second participant associated with at least a second one of the processing devices;

initiating in the first processing device a particular interaction with the second participant, by sending designated initiation information to the second processing device associated with the second participant, the particular interaction being configured based at least in part on one or more results of the setup procedure;

receiving as part of the interaction response information from the second processing device associated with the second participant; and

sending as part of the interaction additional information from the first processing device to the second processing device based at least in part on the received response information;

wherein the interaction is configured such that the information exchanged between the first and second processing devices can be used to determine rights of the first and second participants in a publicly verifiable manner, the rights being based upon particular results of the interaction;

wherein the interaction comprises a number of consecutive rounds of one or more decisions by each of the first participant and the second participant;

wherein the interaction is characterized by a first tree structure associated with the first participant and a second tree structure associated with the second participant, each of the tree structures comprising a plurality of nodes, each of at least a subset of the nodes comprising a block of data that determines randomness contributed to a corresponding round of the interaction by the corresponding participant, wherein associated with each of at least a subset of the nodes are decision preimage values that encode possible decisions to be made in the interaction.

In formulating the §102(e) rejection of this claim, the Examiner argues that Walker’s “code sequences” anticipate the claimed “preimage values” because Walker’s code sequences “provide randomness and decisions in the wagering interaction.” Current Office Action, p. 3. Applicants respectfully disagree.

The Manual of Patent Examining Procedure (MPEP), Eighth Edition, August 2001, Revision October 2005, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 further indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The last clause of claim 1 clearly sets forth two types of elements that are associated with nodes in the claimed tree structures. These two elements serve different functions. Blocks of data determine randomness contributed to a corresponding round of an interaction by the corresponding decision of a participant in a secure interaction between two participants. Preimage values encode possible decisions to be made by a participant in the interaction.

Walker describes codes sequences exclusively at col. 11, ll. 9-30. Code sequences are sequences of code that “may be used to provide the basis for generating a random outcome of each gaming event.” Walker, col. 11, ll. 17-26. Nevertheless, Walker fails to describes that code sequences are associated with nodes in a tree structure, or that code sequences in some way encode possible decisions made by participants. In fact Walker’s code sequences are predominantly directed

to detecting whether a player has tampered with the gaming software. Id. Walker, as a result, describes an element very different from the preimage values in claim 1.

What is more, claim 1 explicitly sets forth two separate tree structures: a first tree structure associated with the first participant and a second tree structure associated with the second participant. While Walker does not explicitly describe such tree structures, the Examiner apparently finds a tree structure by “interpretation.” Current Office Action, pp. 2 and 3. Nonetheless, even if it is assumed that Walker implicitly describes a tree structure (which Applicants do not believe to be the case), Walker at least fails to describe two separate tree structures, one associated with each of two respective participants. Walker, therefore, also fails to describe these particular elements of claim 1.

For at least the foregoing reasons, Applicants respectfully submit that Walker fails to anticipate independent claim 1. Moreover, independent claims 15, 27 and 28 comprise limitations similar to claim 1 and are therefore believed to be in condition for allowance for at least the same reasons set forth above for claim 1.

Applicants submit that dependent claims 2-6, 8-12, 14, 16-20 and 22-26 are allowable for at least the same reasons as their respective independent claims. In addition, many of these dependent claims are believed to contain separately patentable subject matter over Walker.

For example, defendant claim 6 sets forth:

The method of claim 1 wherein the particular interaction comprises secure mobile gaming interaction involving two or more players in which the first participant corresponds to a first player and the second participant corresponds to a second player.

In formulating the §102(e) rejection of this claim, the Examiner argues that the claim is anticipated by Walker at col. 8, ll. 23-47 and col. 11, ll. 38-50. Current Office Action, p. 7. Nevertheless, Applicants respectfully assert that these portions of Walker fail to describe a second participant that is a second player (as opposed to the casino).

Moreover, as just one more example, dependent claim 9 sets forth:

The method of claim 1 wherein security of the particular interaction is based at least in part on a secure probabilistic symmetric cipher  $(E, D)$  having semantic security operating in conjunction with a one-way hash function  $h$  for which collisions are intractable to find, and a commitment function  $C$ , wherein the commitment function  $C$  provides the public verifiability of designated portions of the interaction.

In formulating the §102(e) rejection of this claim, the Examiner argues that the claim is anticipated by Walker at col. 5, l. 56 - col. 6, l. 20. Current Office Action, p. 7. However, this portion of Walker fails to describe any kind of commitment function, including one which provides public verifiability in the manner claimed.

With respect to the §103(a) rejection of dependent claims 7, 13 and 21 over Walker in view of Takaragi, Applicants respectfully submit that Takaragi fails to supplement the above-described fundamental deficiencies of Walker as applied to independent claims 1 and 15.

In light of the above, Applicants respectfully request that the §102(e) and §103(a) rejections of claim 1-28 be withdrawn.

Respectfully submitted,



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